



PATENT
0033-0741P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoichi MIZUNO et al. Conf.: 5602
Appl. No.: 09/911,734 Group: 1714
Filed: July 25, 2001 Examiner: UNASSIGNED
For: RUBBER COMPOSITION FOR TIRE AND
PNEUMATIC TIRE

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JAN 30 2003

TC 1700

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION
OR WITH A RULE 1.114 RCE APPLICATION)

Assistant Commissioner for Patents
Washington, DC 20231

January 28, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☐ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. ☒ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

Japanese patent publication nos. 11-217466 and 62-104851 are submitted with English language abstracts and were cited in a Japanese office action (English translation enclosed herewith).

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d. ☐ **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

IV. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
- b. ☒ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☒ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/csm
0033-0741P

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Enclosures: ☒ PTO-1449
☒ Documents
☐ Foreign Search Report
☐ Fee
☒ Other: Japanese Office Action (with English translation)

(Rev. 01/03/03)

Form PTO-1449

ATTY DOCKET NO.
0033-0741PAPPLICATION NO.
09/911,734

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

APPLICANT
Yoichi MIZUNO et al.FILING DATE
July 25, 2001GROUP
1714**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US						
	US						
	US						
	US						
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	US						
	US						
	US						
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FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	JP	11-217466		1999-08-10	JAPAN			X*	
	JP	62-104851		1987-05-15	JAPAN			X*	

OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* Submitted with an English language abstract

ADM/csm

Mailed October 29, 2002

NOTICE OF GROUND OF REJECTION

Patent Application No. 2000-224798

Patent Office Examiner: Yoko NaKAJIMA

To Attorney, Mr. Hisao Fukami (et al.):

The present application shall be recognized to be rejected on the following ground. It is required that the remarks, if any, be submitted within sixty days from the date on which the present NOTICE was mailed.

GROUND

1. It is recognized that, because the invention described in Claim(s) of SCOPE OF CLAIMS FOR PATENT of the present application is the same as the invention described in the following publication(s) distributed in Japan and/or foreign countries or the invention as made available to the public through electric telecommunication lines prior to the filing of the present application, a patent cannot be granted thereto under the provision of Subparagraph 3 of Paragraph 1 of Article 29 of the Patent Law.

2. It is recognized that, because the invention described in Claim(s) of SCOPE OF CLAIMS FOR PATENT of the present application could have been invented readily by a person having ordinary knowledge in the field of the art to which the present invention pertains prior to the filing of the present application based on the invention as described in the following publication(s) distributed in Japan and/or foreign countries or the invention as made available to the public through electric telecommunication lines prior to the filing of the present application, a patent cannot be granted thereto under the provision of Paragraph 2 of Article 29 of the Patent Law.

REMARKS

(References cited are shown in the following list.)

Ground 1 and 2

Claims 1-4

Reference 1 and 2

Notes:

References 1 and 2 disclose a composition containing a rubber component blended with wastepaper and, as a use for the composition, tire is mentioned.

List of Cited References

1. Japanese Patent Laying-Open No. 11-217466
2. Japanese Patent Laying-Open No. 62-104851

RECORD OF SEARCH FOR PRIOR ART DOCUMENTS

· SEARCHED TECHNICAL FIELD

IPC SEVENTH EDITION H08L9/00-21/00

The record of prior art search results does not constitute a Ground of Rejection.

拒絶理由通知書

特許出願の番号 特願2000-224798
起案日 平成14年10月21日
特許庁審査官 中島 庸子 8416 4J00
特許出願人代理人 深見 久郎 (外 2名) 様
適用条文 第29条第1項、第29条第2項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

1. この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明であるから、特許法第29条第1項第3号に該当し、特許を受けることができない。

2. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

(理由1及び2について)

- ・請求項1～4
- ・引用文献等 1, 2
- ・備考

引例1, 2に記載される組成物は、ゴム成分に古紙を配合したものであり、組成物の用途としてタイヤが記載されている。

引 用 文 献 等 一 覧

1. 特開平11-217466号公報 …… 以前に貴社から送付済
2. 特開昭62-104851号公報

先行技術文献調査結果の記録

- ・調査した分野 IPC第7版 C08L9/00-21/00

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

(この拒絶理由通知の内容に関するお問い合わせがございましたら下記までご連絡下さい。)

特許審査第三部 高分子

TEL. 03(3581)1101 内線3455 FAX. 03(3592)6877)